

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PETER VARGA,)	CASE NO. 5:08CV1481
)	
PLAINTIFF,)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	MEMORANDUM OPINION
)	AND ORDER
)	
DEFENDANT.)	

This matter is an action to review a final decision of the Commissioner of Social Security denying Plaintiff's ("Varga") application for disability insurance benefits. On July 7, 2008, pursuant to L.R. 72.2, this matter was automatically referred to Magistrate Judge James S. Gallas for preparation of a report and recommendation ("R&R"). (Dkt. # 4).

On July 9, 2009, Magistrate Judge Gallas issued the R&R, recommending that Varga's denial of disability insurance benefits be remanded under the fourth sentence of 42 U.S.C. §405(g) for reassessment of Varga's residual functional capacity to include consideration of the non-exertional restriction due to use of crutches or cane and whether this degenerative condition would restrict Varga's ability to perform light or sedentary work. (Dkt. # 14).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service. On the July 23, 2009, the Government

filed a notice to the Court that it would not be filing an objection to the R&R. (Dkt. # 15).

Therefore, any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Thus, the Report and Recommendation of Magistrate Judge Gallas is hereby **ADOPTED**. (Dkt. # 14). In accordance with the R&R, this matter is **REMANDED** under the fourth sentence of 42 U.S.C. §405(g).

IT IS SO ORDERED.

/s/ Peter C. Economus – July 27, 2009
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE